



Riverside County Sheriff's Department

Chad Bianco, Sheriff-Coroner

4095 Lemon Street • Riverside • California • 92501
www.riversidesheriff.org

September 12, 2019

MuckRock News
Emma Best
DEPT MR 79585
411A Highland Ave.
Sommerville, MA 02144-2516
79585-47183392@requests.muckrock.com

Re: California Public Records Act (CPRA) Request, Pursuant to Cal. Gov't Code § 6250, et seq.

Dear Ms. Best

On September 4, 2019 the Riverside County Sheriff's Department received your requests based on the California Public Records Act ("CPRA" – Government Code §§ 6250 et seq.) Your original request is attached to this response determination letter and has been processed as follows:

The Riverside County Sheriff's Department response applies to one or more of the sections listed. Sections in red are responsive to your request.

☐ Records responsive to your request have been located and will be made available for inspection and/or copying during normal business hours. Moreover, copies of the requested records will be made available upon payment of the appropriate fees covering the costs of duplication as provided in Government Code § 6253(b). **Please See Section I on page 2 for details.**

☒ We regret to inform you that it has been determined that there are no disclosable records that can be made available for inspection and/or copying in response to your request because

☒ Records do not exist. **Please see Section II on page 2 for details.**

☐ The record does not belong to the Riverside County Sheriff's Department. **Please see Section III on page 2 for details.**

☐ There are no disclosable records that can be made available for inspection and/or copying in response to your request on the basis that the records sought are exempt from disclosure under the CPRA. **Please see Section IV on page 3 for details.**

☐ Records responsive to your request have been located and will be made available for inspection and/or copying during normal business hours. Moreover, copies of the requested records will be made available upon payment of the appropriate fees covering the costs of duplication as provided in Government Code § 6253(b).

However, it has also been determined that some records and/or portions of such records are exempt from disclosure under the California Public Records Act (Government Code § 6250 et seq.) and thus will be withheld or subject to redaction on the basis of the various grounds. **Please see Section V on page 3 for details.**

Thank you for your interest in Riverside County Sheriff's Department records. If we can be of further assistance, please do not hesitate to contact me at: (951) 955-2399

Sincerely,

CHAD BIANCO, SHERIFF

A handwritten signature in blue ink, appearing to read "Chad Bianco".

Lieutenant Jessica Vanderhoof
Professional Standards Bureau

CB: jv

SECTION III: RECORD DOES NOT BELONG TO THE RIVERSIDE COUNTY SHERIFF'S DEPARTMENT

SECTION II: RECORDS DO NOT EXIST

SECTION I: DISCLOSEABLE RECORDS

SECTION IV: NO DISCLOSABLE RECORDS EXEMPTIONS

<input type="checkbox"/> Government Code § 6254(a) <u>Request #</u>	<input type="checkbox"/> Government Code § 6254(k) <input type="checkbox"/> Read in conjunction with Evidence Code § 1040 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(b) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Article I, § 1 of the California Constitution <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(c) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Evidence Code §§ 952 and 954 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(f) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Welfare and Institutions Code § 827 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(u) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") and with the California Confidentiality of Medical Information Act ("CACMIA") <u>Request #</u>
<input type="checkbox"/> Government Code § 6254.29 <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 <u>Request #</u>
<input type="checkbox"/> Government Code § 6255 <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Penal Code § 1546 <u>Request #</u>

SECTION V: REDACTED RECORDS EXEMPTIONS

<input type="checkbox"/> Government Code § 6254(a) <u>Request #</u>	<input type="checkbox"/> Government Code § 6254(k) <input type="checkbox"/> Read in conjunction with Evidence Code § 1040 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(b) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Article I, § 1 of the California Constitution <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(c) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Evidence Code §§ 952 and 954 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(f) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Welfare and Institutions Code § 827 <u>Request #</u>
<input type="checkbox"/> Government Code § 6254(u) <u>Request #</u>	<input type="checkbox"/> Read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") and with the California Confidentiality of Medical Information Act ("CACMIA") <u>Request #</u>
<input type="checkbox"/> Government Code § 6254.29 <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 <u>Request #</u>
<input type="checkbox"/> Government Code § 6255 <u>Request #</u>	<input type="checkbox"/> Read in conjunction with Penal Code § 1546 <u>Request #</u>

ADDITIONAL INFORMATION:

Government Code Reference Sheet

Government Code § 6254(a)- provides that preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure.

Government Code § 6254(b)- provides that records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Government Code § 810 et seq., are exempt from disclosure until the pending litigation or claim has been finally adjudicated or settled.

Government Code § 6254(c)- provides that personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy is exempt from disclosure.

Government Code § 6254(f)- provides that law enforcement investigation, security and intelligence information file records of a local police agency are exempt from disclosure. Furthermore, as set forth in Rivero v. Superior Court, 54 Cal. App. 4th 1048 (1997) and Williams v. Superior Court, 5 Cal. 4th 337 (1993), the investigatory file exemption to the public records act request is not lost even where the investigation is deemed concluded or terminated.

Government Code § 6254(k)- read in conjunction with Evidence Code § 1040, provides that official information acquired in confidence by a public employee is exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Article I, § 1 of the California Constitution provides that personal information details are subject to privacy rights that make such information exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Evidence Code §§ 952 and 954 provides that attorney-client confidential communications, attorney work-product material and privileged material are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Welfare and Institutions Code § 827 provides that juvenile case file records are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with the Federal Health Insurance Portability and Accountability Act ("HIPAA") statutory protections which provides that health care patient confidentiality and medical treatment details are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with the California Confidentiality of Medical Information Act ("CACMIA") statutory protections which provides that health care patient confidentiality and medical treatment details are exempt from disclosure.

Government Code § 6254(k)- read in conjunction with Penal Code §§ 832.5, 832.7 and 832.8, Evidence Code §§ 1043 and 1046 which provide that peace officer or custodial officer personnel records information may only be obtained via the noticed motion procedure required by said statutes and therefore is exempt from disclosure.

Government Code § 6254(k) read in conjunction with Penal Code § 1546 which is the recently enacted Electronic Communications Privacy Act and provides confidentiality of electronic communications from disclosure.

Government Code § 6254.29 -provides that social security number information is exempt from disclosure.

Government Code § 6254(u)- provides that certain information contained in applications for licenses to carry firearms issued pursuant to Penal Code 12050 by a county sheriff are exempt from disclosure.

Government Code § 6255 -the records in question are exempt because under the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

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August 26, 2019

To Whom It May Concern:

Pursuant to the California Public Records Act, I hereby request the following records:

Copies of any emails, letters, memos or other records of consultations regarding public records requests (FOI/FOIL/FOIA etc.) with either the Department of Justice, including the Federal Bureau of Investigation and Drug Enforcement Agency components.

I am a member of the news media and request classification as such. I have previously written about the government and its activities, with some reaching over 100,000 readers in outlets such as Gizmodo, MuckRock, Motherboard, Property of the People, Unicorn Riot, and The Outline, among others. As such, as I have a reasonable expectation of publication and my editorial and writing skills are well established. In addition, I discuss and comment on the files online and make them available through non-profits such as the library Internet Archive and the journalist non-profit MuckRock, disseminating them to a large audience. While my research is not limited to this, a great deal of it, including this, focuses on the activities and attitudes of the government itself. As such, it is not necessary for me to demonstrate the relevance of this particular subject in advance.

As my primary purpose is to inform about government activities by reporting on it and making the raw data available, I request that fees be waived.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Emma Best

41075124-006531-01-01-00



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For mailed responses, please address (see note):
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PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

